

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Malachi Kilgore-Bey,

Civil No. 06-1610 JRT/FLN

Plaintiff,

v.

ORDER

Terrill Florcyk and Michelle Smith,

Defendants.

Malachi Kilgore-Bey, #205781 MCF, 970 Pickett Street North, Bayport, Minnesota 55003, plaintiff *pro-se*.

THOMAS R. RAGATZ, MINNESOTA ATTORNEY GENERAL'S OFFICE, Suite 1800, 445 Minnesota Street, St. Paul, Minnesota 55101, for defendants.

Based upon the Report and Recommendation (Docket No. 3) by United States Magistrate Judge Franklin L. Noel dated May 2, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's habeas corpus petition [#1] is DENIED; and
2. This action is summarily dismissed without prejudice.

DATED: August 7, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge